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Dated: 10/03/07 Signature: Elaine Leahy
(Elaine Leahy)

Docket No.: WYTH-P01-001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kuai et al.

Application No.: 10/523328

Confirmation No.: 8048

Filed: February 1, 2005

Art Unit: 1649

For: METHODS AND REAGENTS RELATING TO
INFLAMMATION AND APOPTOSIS

Examiner: Gregory S. Emch

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement mailed August 27, 2007, Applicants hereby elect Group I (claims 1-12, 17, and 22-25), drawn to an isolated, purified, or recombinant protein complex comprising: (i) a tumor necrosis factor alpha (TNF- α) polypeptide or a functional variant thereof; (ii) a TNF- α receptor (TNFR) polypeptide or a functional variant thereof; and (iii) at least one polypeptide selected from the group consisting of: NF- κ B activating kinase (NAK), RasGAP3, TRCP1, TRCP2 and a functional variant thereof.

Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

Applicants traverse the restriction requirement for the reasons which follow. Applicants submit that the Examiner has not shown that there would be a serious burden in examining the Groups set forth in the restriction requirement. For example, Applicants note that the search for Groups I, II, and III would be co-extensive as the claims of Groups I-III relate to the same protein complex. Applicants respectfully submit that the inventions of Groups I-III can be efficiently searched and examined together without placing a significant additional burden on the

Examiner. Applicants respectfully request that the restriction requirement, at least with respect to Groups I-III, be withdrawn.

To the extent that the Examiner requires Applicants to elect a species out of the following polypeptides: NAK, RasGAP3, TRCP1, and TRCP2, Applicants hereby elect TRCP1 as a species *with traverse and for search purposes only*. Presently, claims 1-12, 17, 22-25, 33-37, 39, 44-52, and 56 read on the elected species. Applicants respectfully point out that at least independent claims 1, 17, 33, 35, 37, 39, 44, 46, and 48 are generic and encompasses all elected and non-elected species. Pursuant to MPEP 809.04, "[i]f a linking claim is allowed, the examiner must thereafter examine species if the linking claim is generic thereto, or he or she must examine the claims to the non-elected inventions that are linked to the elected invention by such allowed linking claim." Thus, restrictions imposed on species encompassed by generic claims must be withdrawn upon indication of an allowable generic claim (MPEP 809).

This response is accompanied by a request for a one-month extension of time and appropriate fees. If an addition fee is due, please charge our Deposit Account No. 18-1945, under Order No. **WYTH-P01-001** from which the undersigned is authorized to draw.

Dated: October 3, 2007

Respectfully submitted,

By 

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